

Application of: Kirschner, Mitchell I.
Serial No.: 10/714,156
Response to June 17, 2004 Office Action

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior revisions, and listings, of claims in the application.

Claim 1 (Cancelled)

Claim 2 (Cancelled)

Claim 3 (Cancelled)

Claim 4 (Cancelled)

Claim 5 (Cancelled)

Claim 6 (Cancelled)

Claim 7 (Cancelled)

Claim 8 (Cancelled)

Claim 9 (Cancelled)

Claim 10 (Cancelled)

Claim 11 (Cancelled)

Claim 12 (Cancelled)

Claim 13 (Cancelled)

Claim 14 (Cancelled)

Claim 15 (Cancelled)

Claim 16 (Cancelled)

Claim 17 (Cancelled)

Claim 18 (Cancelled)

Claim 19 (Cancelled)

Claim 20 (Cancelled)

Claim 21 (Cancelled)

Claim 22 (Cancelled)

Claim 23 (Previously Presented) A nutritional supplement comprising:

at least one fatty acid;

at least one pharmaceutically acceptable calcium compound; and

a soft gelatin shell.

Claim 24 (Previously Presented) The nutritional supplemental of claim 23 wherein the fatty acid is derived from a marine source.

Claim 25 (Currently Amended) The nutritional supplement of ~~claim 24 where in~~ claim 24 wherein the marine source is selected from the group consisting of shellfish oil, tuna oil, mackerel oil, salmon oil, menhaden oil, anchovy oil, herring oil, trout oil, sardine oil and mixtures thereof.

Claim 26 (Previously Presented) The nutritional supplement of claim 23 wherein the fatty acid is derived from a plant source.

Claim 27 (Currently Amended) The nutritional supplement of claim 26 wherein the plant source is selected from the group consisting of flaxseed oil, ~~linseed oil~~, soybean oil, sunflower oil, and mixtures thereof.

Claim 28 (Currently Amended) The nutritional supplement of claim 23 wherein the calcium compound is selected from the group consisting of calcium carbonate, calcium sulfate, calcium phosphate, ~~dicalcium phosphate, tricalcium phosphate~~, calcium oxide, calcium

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hydroxide, calcium apatite, calcium citrate-malate, calcium gluconate, calcium lactate, calcium threonate, ~~calcium levulinate~~, bone meal, oyster shell and mixtures thereof.

Claim 29 (Currently Amended) The nutritional supplement of ~~claim 23 where in claim~~
23 wherein the calcium compound is about 1mg to about 2500 mg is about 1200mg.

Claim 30 (Currently Amended) The nutritional supplement of claim 23 wherein the
calcium compound ~~is about 10 mg to about 2000 mg~~ is about 2400mg.

Claim 31 (Previously Presented) A soft gel nutritional supplement comprising:

at least one essential fatty acid selected from the group consisting of essential
fatty acids; essential fatty acid precursors, essential fatty acid derivatives and mixtures
thereof; and

at least one pharmaceutically acceptable calcium compound;

wherein said nutritional supplement is provided in a soft gelatin shell dosage.

Claim 32 (Previously Presented) The nutritional supplement of claim 31 wherein the at
least one essential fatty acid is selected from the group consisting of omega-3 fatty acids, omega-
6 fatty acids and mixtures thereof.

Claim 33 (Currently Amended) The nutritional supplement of ~~claim 31 where in claim~~
31 wherein the at least one essential fatty acid is comprised of; is comprised of:

an omega-3 fatty acid precursor or an omega-3 precursor derivative;

an omega-6 precursor or an omega-6 precursor derivative; and

omega-6 fatty acid or an omega-6 ~~fatty acid derivative;~~

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~~wherein the weight ratio of said omega-3 fatty acid precursor and the omega-6 fatty acid precursor to the omega-6 fatty acid is about 1:2.5 to 3.0.~~ fatty acid derivative.

Claim 34 (Previously Presented) The nutritional supplement of claim 33 wherein the omega-3 fatty acid precursor is linolenic acid.

Claim 35 (Currently Amended) The nutritional supplement of ~~claim 33 where in~~ claim 33 wherein the omega-6 fatty acid precursor is linoleic acid.

Claim 36 (Currently Amended) The nutritional supplement of claim 33 wherein the omega-6 fatty acid ~~precursor docosahexaenoic acid~~ precursor is docosahexaenoic acid.

Claim 37 (Currently Amended) The nutritional supplement of claim 31 wherein the calcium compound is selected from the group consisting of calcium carbonate, calcium sulfate, calcium phosphate, ~~dicalcium phosphate, tricalcium phosphate,~~ calcium oxide, calcium hydroxide, calcium apatite, calcium citrate-malate, calcium gluconate, calcium lactate, ~~ealcium threonate,~~ calcium levulinate, bone meal, oyster shell and mixtures thereof.

Claim 38 (Currently Amended) The nutritional supplement of claim 31 wherein the calcium compound ~~is about 1 mg to about 2500 mg~~ is about 1200mg.

Claim 39 (Currently Amended) The nutritional supplement of claim 31 wherein the calcium compound ~~is about 10 mg to about 2000 mg~~ is about 2400mg.

Claim 40 (Previously Presented) The nutritional supplement of claim 31 further including folic acid.

Claim 41 (Cancelled).

Claim 42 (Cancelled).

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Claim 43 (Currently Amended) A method of making a nutritional supplement, ~~the method comprising;~~ the method comprising:

dispersing at least one fatty acid and at least one pharmaceutically acceptable calcium compound into a vehicle to form a viscous mixture; and

encapsulating the viscous mixture into a soft gelatin shell dosage.

Claim 44 (Previously Presented) The method of claim 43 wherein the fatty acid is derived from a marine source.

Claim 45 (Previously Presented) The method of claim 43 wherein the marine source is selected from the group consisting of shellfish oil, tuna oil, mackerel oil, salmon oil, menhaden oil, anchovy oil, herring oil, trout oil, sardine oil and mixtures thereof.

Claim 46 (Previously Presented) The method of claim 43 wherein the fatty acid is derived from a plant source.

Claim 47 (Currently Amended) The method of claim 46 wherein the plant source is selected from the group consisting of flaxseed oil, ~~linseed oil,~~ soybean oil, sunflower oil, and mixtures thereof.

Claim 48 (Currently Amended) The method of claim 43 wherein the calcium compound is selected from the group consisting of calcium carbonate, calcium sulfate, calcium phosphate, ~~dicalcium phosphate, tricalcium phosphate,~~ calcium oxide, calcium hydroxide, calcium apatite, calcium citrate-malate, calcium gluconate, calcium lactate, ~~calcium threonate,~~ calcium levulinate, bone meal, oyster shell and mixtures thereof.

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Claim 49 (Currently Amended) The method of claim 43 wherein the calcium compound ~~is about 1 mg to about 2500 mg~~ is about 240 mg.

Claim 50 (Currently Amended) The method of claim 43 wherein the calcium compound ~~is about 10 mg to about 2000 mg~~ is about 1200 mg.

Claim 51 (Previously Presented) A method of making a nutritional supplement, the method comprising:

dispersing at least one essential fatty acid selected from the group consisting of essential fatty acids;

essential fatty acid precursors, essential fatty acid derivatives and mixtures thereof with at least one pharmaceutically acceptable calcium compound into a vehicle to form a viscous mixture; and

encapsulating the viscous mixture into a soft gelatin shell dosage.

Claim 52 (Previously Presented) The method of claim 51 wherein the at least one essential fatty acid is selected from the group consisting of omega-3 fatty acids, omega-6 fatty acids and mixtures thereof.

Claim 53 (Currently Amended) The method of claim 51 wherein the at least one essential fatty acid ~~is comprised of;~~ is comprised of:

an omega-3 fatty acid precursor or an omega-3 precursor derivative;

an omega-6 precursor or an omega-6 precursor derivative; and

an omega-6 fatty acid or an omega-6 fatty acid derivative;

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~~wherein the weight ratio of said omega-3 fatty acid precursor and the omega-6 fatty acid precursor to the omega-6 fatty acid is about 1:2.5 to 3.0~~ acid derivative.

Claim 54 (Previously Presented) The method of claim 53 wherein the omega-3 fatty acid precursor is linolenic acid.

Claim 55 (Previously Presented) The method of claim 53 wherein the omega-6 fatty acid precursor is linoleic acid.

Claim 56 (Previously Presented) The method of claim 53 wherein the omega-6 fatty acid precursor is docosahexaenoic acid.

Claim 57 (Currently Amended) The method of claim 51 wherein the calcium compound is selected from the group consisting of calcium carbonate, calcium sulfate, calcium phosphate, ~~dicalcium phosphate, tricalcium phosphate~~, calcium oxide, calcium hydroxide, calcium apatite, calcium citrate-malate, calcium gluconate, calcium lactate, ~~calcium threonate~~, calcium levulinate, bone meal, oyster shell and mixtures thereof.

Claim 58 (Currently Amended) The method of claim 51 wherein the calcium compound ~~is about 1 mg to about 2500 mg~~ is about 2400 mg.

Claim 59 (Currently Amended) The method of claim 51 wherein the calcium compound ~~is about 10 mg to about 2000 mg~~ is about 1200 mg.

Claim 60 (Previously Presented) The method of claim 51 further including folic acid.

Claim 61 (Cancelled)

Claim 62 (Cancelled)

Claim 63 (Currently Amended) A method of administering a nutritional supplement, ~~the method comprising;~~ the method comprising:

orally administering to a pregnant or lactating woman a soft get tab comprising;

at least one fatty acid; and

at least one pharmaceutically acceptable calcium compound in a suspension that is beneficial nutritionally, minimizes stomach upset, and increases the bioavailability of nutritional compounds.

Claim 64 (Previously Presented) The method of claim 63 wherein the fatty acid is derived from a marine source.

Claim 65 (Currently Amended) ~~The method of claim 64 wherein~~ of claim 63 wherein the marine source is selected from the group consisting of shellfish oil, tuna oil, mackerel oil, salmon oil, menhaden oil, anchovy oil, herring oil, trout oil, sardine oil and mixtures thereof.

Claim 66 (Previously Presented) The method of claim 63 wherein the fatty acid is derived from a plant source.

Claim 67 (Currently Amended) ~~The method of claim 66 wherein~~ of claim 63 wherein the plant source is selected from the group consisting of flaxseed oil, ~~linseed oil,~~ soybean oil, sunflower oil, and mixtures thereof.

Claim 68 (Currently Amended) The method of claim 63 wherein the calcium compound is selected from the group consisting of calcium carbonate, calcium sulfate, calcium phosphate, ~~dicalcium phosphate, tricalcium phosphate,~~ calcium oxide, calcium hydroxide, calcium apatite,

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calcium citrate-malate, calcium gluconate, calcium lactate, ~~calcium threonate~~, calcium levulinate, bone meal, oyster shell and mixtures thereof.

Claim 69 (Currently Amended) The method of claim 63 wherein the calcium compound ~~is about 1 mg to about 2500 mg~~ is about 2400 mg.

Claim 70 (Currently Amended) The method of claim 63 wherein the calcium compound ~~is about 10 mg to about 2000 mg~~ is about 1200 mg.

Claim 71 (Currently Amended) A method of administering a nutritional supplement, the method comprising:

orally administering to a pregnant or lactating woman a soft gel tab comprising;
at least one essential fatty acid selected from the group consisting of essential fatty acids;

essential fatty acid precursors, essential fatty acid derivatives and mixtures thereof; and

at least one pharmaceutically acceptable calcium compound in a suspension that is beneficial nutritionally, minimizes stomach upset, and increases the bioavailability of the nutritional compounds..

Claim 72 (Previously Presented) The method of claim 71 wherein the at least one essential fatty acid is selected from the group consisting of omega-3 fatty acids, omega-6 fatty acids and mixtures thereof.

Claim 73 (Currently Amended) The method of claim 71 wherein the at least one essential fatty acid ~~is comprised of;~~ is comprised of:

an omega-3 fatty acid precursor or an omega-3 precursor derivative;

an omega-6 precursor or an omega-6 precursor derivative; and

an omega-6 fatty acid or an omega-6 fatty acid derivative;

~~wherein the weight ratio of said omega-3 fatty acid precursor and the omega-6 fatty acid precursor to the omega-6 fatty acid is about 1:2.5 to 30.~~ acid derivative.

Claim 74 (Previously Presented) The method of claim 73 wherein the omega-3 fatty acid precursor is linolenic acid.

Claim 75 (Previously Presented) The method of claim 73 wherein the omega-6 fatty acid precursor is linoleic acid.

Claim 76 (Previously Presented) The method of claim 73 wherein the omega-6 fatty acid precursor is docosahexaenoic acid.

Claim 77 (Currently Amended) The method of claim 71 wherein the calcium compound is selected from the group consisting of calcium carbonate, calcium sulfate, calcium phosphate, ~~dicalcium phosphate, tricalcium phosphate,~~ calcium oxide, calcium hydroxide, calcium apatite, calcium citrate-malate, calcium gluconate, calcium lactate, ~~calcium threonate,~~ calcium levulinate, bone meal, oyster shell and mixtures thereof.

Claim 78 (Currently Amended) The method of claim 71 wherein the calcium compound ~~is about 1 mg to about 2500 mg~~ is about 2400 mg.

Claim 79 (Currently Amended) The method of claim 71 wherein the calcium compound ~~is about 10 mg to about 2000 mg~~ is about 1200 mg.

Claim 80 (Previously Presented) The method of claim 71 further including folic acid.

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Claim 81 (Cancelled)

Claim 82 (Cancelled)

Claim 83 (New) The nutritional supplement of claim 23 further including folic acid.

Claim 84 (New) The method of claim 43 further including folic acid.

Claim 85 (New) The method of claim 63 further including folic acid.